

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

James Mark Vogel,

Civil No. 05-2740 (PJS/RLE)

Plaintiff,

v.

**ORDER ADOPTING THE  
REPORT AND RECOMMENDATION**

Minnesota Department of Corrections,  
Joan Fabian, Collette Morris, and  
James Kaul,

Defendants.

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James Mark Vogel, *Pro Se*, Plaintiff.

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Based upon the Findings and Recommendation of Chief United States Magistrate Judge Raymond L. Erickson, and after an independent review of the files, records and proceedings in the above-titled matter, **IT IS ORDERED:**

1. That the Plaintiff's Complaint (Doc. No. 1) is **DISMISSED**, but without prejudice, for failure to comply with this Court's Order dated December 1, 2005, and for failure to prosecute.

2. That the Plaintiff's Application to proceed *in forma pauperis* (Doc. No. 2) is **DENIED**, as moot.

Dated: June 12, 2006

s/Patrick J. Schiltz

PATRICK J. SCHILTZ

Judge of United States District Court